

902 KAR 7:010. Hotel and motel code.

RELATES TO: KRS 219.011-219.081, 219.991(1)

STATUTORY AUTHORITY: KRS Chapter 13B, 194.050, 211.090, EO 96-862

NECESSITY, FUNCTION, AND CONFORMITY: KRS 219.011 to 219.081 and 219.991(1) directs the Health Services Cabinet to regulate hotels. KRS 219.041(3) directs the Health Services Cabinet to adopt a State Hotel Code, which includes, among other things, requirements for the issuance, suspension and revocation of permits to operate; submission of plans for construction and equipment layout; plumbing; lighting; ventilation; water supply; sewage disposal; sanitary standards for operation; and other matters deemed necessary to insure a safe and sanitary operation of a hotel. Executive Order 96-862, effective July 2, 1996, reorganizes the Cabinet for Human Resources and places the Department for Public Health and its programs under the Cabinet for Health Services.

Section 1. Citation of Administrative Regulation. This administrative regulation may be cited as the "State Hotel Code."

Section 2. Definitions. As used in this administrative regulation:

(1) "Employee" means any person working in a hotel, including janitors, maids, porters, and other persons whose duties include the cleaning of rooms, toilets, or other parts of the building or the carrying of ice or ice water to guests.

(2) "Ice dispensing machine" means any self-service or semiself-service machine operated by a mechanism which, upon insertion of a coin, coins, or tokens, or by other devices such as levers or switches, dispenses ice either in bulk or in package form.

(3) "Public rest room" means any facility that provides toilet and hand-washing facilities for the general public.

(4) "Self-service ice storage bin" means a self-service machine or storage bin in which ice is manufactured or stored in bulk form and the ice removed by the hotel guest through use of an ice scoop or other similar device.

Section 3. Application for a Permit. (1) Application for a permit required by KRS 219.021 shall be made on forms provided by the cabinet and include:

(a) Applicant's full name and address and indicate whether the applicant is an individual, firm or corporation;

(b) If a partnership, the names of the partners, with their addresses;

(c) The location of the hotel; and

(d) The signature of the applicant or applicants.

(2) Upon receipt of an application the cabinet shall make an inspection of the hotel to determine compliance with the provisions of this administrative regulation. When inspection reveals that the applicable requirements of this administrative regulation have been met, a permit shall be issued to the applicant by the cabinet.

Section 4. Hotel Water Supply and Ice. (1) The water supply shall be potable, adequate and from an approved public supply of a municipality or water district, if available. In the event a public water supply of a municipality or a water district is not available, the supply for a hotel shall be developed and approved in accordance with applicable requirements of the Natural Resources and Environmental Protection Cabinet; provided, however, if a public water supply of a municipality or water district subsequently becomes available, connections shall be made thereto and the hotel supply shall be discontinued.

(2) Hot and cold running water under pressure shall be provided in all bathrooms and toilet

rooms.

(3) Ice used for any purpose shall be made from water which comes from an approved source, and shall be used only if it has been manufactured, stored, transported, and handled in a sanitary manner.

(4) Self-service ice provided for the hotel guest shall be dispensed through use of ice dispensing machines or prepackaged for individual hotel guests from an approved source in all new hotels constructed after the effective date of this administrative regulation; provided, however, that ice making equipment located in individual rooms shall not be prohibited. Self-service ice storage bins presently being used may be continued in use provided that the machines are maintained in good repair and capable of being properly cleaned. In all cases where the replacement of a self-service ice storage bin becomes necessary, or additional machines added, an ice dispensing machine shall be installed.

Section 5. Hotel Sewage and Waste Disposal. All sewage and waste matter shall be disposed of into a public sewerage system, if available. In the event a public sewerage system is not available, disposal shall be made into a private system designed, constructed and operated in accordance with the requirements of the cabinet; provided, however, if a public sewerage system subsequently becomes available, connections shall be made thereto and the hotel sewerage system shall be discontinued.

Section 6. Toilet and Bathing Facilities. (1) Each hotel shall be provided with adequate and conveniently located toilet and bathing facilities. Except as provided by KRS 219.021(3) for existing hotels, toilet and bathing facilities shall be provided for each sleeping room in accordance with the requirements of the State Building Code. Toilet and bathing fixtures shall be of a sanitary design and readily cleanable. Toilets and bathing facilities, including rooms and fixtures, shall be kept in a clean condition and in good repair. Toilet tissue shall be provided. Easily cleanable receptacles shall be provided for waste materials, and such receptacles in public toilet rooms for women shall be covered. Public rest room facilities for both sexes shall be provided when required by the State Building Code in all new hotels constructed after the effective date of this administrative regulation. The doors of all public rest rooms shall be self-closing.

(2) Each hotel shall provide adequate, conveniently located hand-washing facilities at each toilet and bathroom including a lavatory or lavatories equipped with hot and cold or tempered running water, hand-cleansing soap and approved sanitary towels or other approved hand-drying devices. Such facilities shall be kept clean and in good repair.

(3) All plumbing in hotels shall comply with the state plumbing code.

Section 7. Storage, Collection and Disposal of Hotel Refuse. (1) All containers used in guest rooms, lobbies, hallways and public assembly rooms for storage of refuse and rubbish containing food waste shall be constructed of durable metal or other approved types of materials, which do not leak and do not absorb liquids. Such containers shall be thoroughly cleaned on the inside and outside each time they are emptied unless liners are used.

(2) All outside storage containers shall be constructed of durable metal or other approved types of materials, which do not leak and do not absorb liquids, and shall be provided with tight fitting lids or covers and shall, unless kept in a special vermin-proof room or enclosure, be kept covered when stored. Each storage container shall be cleaned at such frequency as to prevent a nuisance.

(3) The rooms, enclosures, areas and containers shall be adequate for storage of all refuse accumulating on the premises. Adequate cleaning facilities shall be provided and each storage room or area shall be thoroughly cleaned after the emptying or removal of refuse.

(4) All refuse and waste collected at a hotel shall be disposed of in a safe and sanitary manner. In the event a permitted site or facility approved by the Natural Resources and Environmental Protec-

tion Cabinet is available, disposal shall be at such site or facility.

Section 8. Room Construction and Layout. (1) All structures used as hotels shall be of permanent, weatherproof construction with sound floors, walls and ceilings.

(2) All habitable rooms, bathrooms, and halls shall have adequate lighting, ventilation and heating.

(a) The heating system shall be capable of maintaining a temperature of sixty-eight (68) degrees Fahrenheit.

(b) Natural and artificial lighting for general cleaning purposes and safety of guests shall be at least five (5) foot-candles in guest rooms, stairways and hallways.

(c) Lighting in reading areas of guest rooms and public meeting rooms shall be thirty (30) foot-candles.

(d) Lighting at bathroom mirrors shall be forty (40) foot-candles.

(3) Sleeping rooms shall have at least one (1) window to the outside air which can be easily opened unless other openings or mechanical devices are used for room ventilation. All sleeping rooms shall have a door opening directly to the outside or into a hallway leading to the outside.

Section 9. Soap, Towels, Washcloths, Drinking Glasses and Ice Containers. (1) Rooms used for sleeping purposes shall be provided with soap, towels, washcloths and drinking glasses.

(a) Two (2) clean towels and one (1) clean washcloth of adequate size shall be provided for each occupant.

(b) One (1) multiuse drinking glass or individual single-service cup shall be provided for each occupant.

(2) Ice storage containers, scoops and drinking glasses, unless they are of the single-service type, shall be smooth, impervious material and designed to facilitate cleaning, and shall be stored, handled and dispensed in a sanitary manner.

(3) Multiuse drinking glasses and ice containers shall be washed and sanitized according to procedures as set forth in the state food service code.

(4) Hotels which do not have adequate and effective facilities for cleaning and sanitizing multiuse drinking glasses and ice containers shall use single-service articles. All single-service articles shall be stored, handled and dispensed in a sanitary manner and shall be used only once. Single-service articles shall be made from nontoxic materials.

(5) Multiuse drinking glasses or single-service containers placed in sleeping rooms shall be individually wrapped or stored on a clean surface in an inverted position.

Section 10. Hotel Beds and Bedding Accessories. Mattress pads or covers shall be used on all mattresses. Beds, mattresses, springs, slats, mattress pads and covers shall be clean and free from vermin. Each bed shall be provided with two (2) sheets; and one (1) pillow and one (1) pillow case for each occupant. Sheets and pillow cases shall be kept clean and changed at least once per week or more often if necessary or when there is a new occupant. All beds shall be supplied with sufficient blankets or coverings to keep the occupant warm.

Section 11. Maintenance of Rooms, Furniture and Accessories. All sleeping rooms, hallways, lobbies and other facilities shall be kept clean and in good repair. Furniture, drapes, curtains and shades shall be kept clean and in good repair.

Section 12. Linen Storage. Adequate storage areas, rooms or cabinets shall be provided for all supplies, linens and equipment, and shall be kept neat, orderly and clean. Clean linens shall be stored in cabinets or on shelves in a linen storage room. Soiled linens shall be so handled and

stored as not to come in contact with clean linens.

Section 13. Vermin Control. Effective measures shall be taken to control vermin and other pests including their entrance into the hotel.

Section 14. Poisonous and Toxic Materials. Only such poisonous and toxic materials as are required to maintain sanitary conditions and for sanitization purposes may be used or stored in hotels. Such materials shall be properly stored and identified and shall be used only in such manner and under such conditions as will not constitute a hazard to employees or customers.

Section 15. Hotel Swimming Facilities. Any swimming or bathing facility provided for use by hotel occupants shall be constructed and operated in accordance with the State Building Code and the Kentucky public swimming and bathing facilities administrative regulation.

Section 16. Hotel Personnel. (1) No person while affected with any disease in a communicable form, or while a carrier of such disease, or while afflicted with boils, infected wounds, sores or an acute respiratory infection, shall work in any area of a hotel in any capacity in which there is a likelihood of such a person contaminating bedding, and other surfaces with pathogenic organisms, or transmitting disease to other individuals, and no person known or suspected of being affected with any such disease or condition shall be employed in such an area or capacity. If the manager or person in charge of the hotel has reason to suspect that any employee has contracted any disease in communicable form or has become a carrier of such a disease, he shall notify the cabinet immediately.

(2) All employees shall wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty. They shall wash their hands thoroughly in an approved hand-washing facility before starting work, and as often as may be necessary to remove soil and contamination. No employee shall resume work after visiting the toilet without first washing his hands.

Section 17. Procedure when Infection is Suspected. When the cabinet has reasonable cause to suspect the possibility of disease transmission from any hotel employee, the cabinet shall secure a morbidity history of the suspected employee, or make such other investigation as may be indicated and take appropriate action. The cabinet may require any or all of the following measures:

- (1) The immediate exclusion of the employee from the hotel;
- (2) Restriction of the employee's services to some area of the establishment where there would be no danger of transmitting disease; and
- (3) Require adequate medical and laboratory examinations of the employee, of other employees, and of his and their body discharges.

Section 18. Plan Review of Future Construction. No person shall construct or extensively alter a hotel, or convert an existing structure for use as a hotel, until properly prepared plans and specifications for such construction or alteration, showing layout, arrangements, and construction materials, and the location, size and type of fixed equipment and facilities and a plumbing riser diagram, have been submitted to and approved by the cabinet before such work is begun. If the construction plans are not acceptable, the cabinet shall give the reason therefor in writing to the person submitting the construction plans and, if the objection can be corrected, the plans can be resubmitted for another review.

Section 19. Inspection of Hotels. (1) At least once every twelve (12) months, the cabinet shall in-

spect each hotel and shall make additional inspections and reinspections as are necessary for the enforcement of this administrative regulation.

(2) Whenever an agent of the cabinet makes an inspection of a hotel, he shall record his findings on an official cabinet inspection report form and provide the permit holder or operator with a copy. The inspection report shall:

(a) Set forth the specific violations(s) found;

(b) Establish a specific and reasonable period of time for the correction of the violation(s) found; and

(c) State that failure to comply with any notice issued in accordance with the provisions of this administrative regulation may result in suspension of the permit.

Section 20. Suspension of Permit. (1) Whenever the cabinet has reason to believe that an imminent public health hazard exists, or whenever the permit holder has interfered with the authorized agents of the cabinet in the performance of their duties, the permit may be suspended immediately upon notice to the permit holder without a hearing. In such event the permit holder may request a hearing which shall be conducted in accordance with 902 KAR 1:400.

(2) In all other instances of violation of the provisions of this administrative regulation the cabinet shall serve upon the holder of the permit a written notice specifying the violation(s) in question and afford the holder a reasonable opportunity to correct same. Whenever a permit holder or operator has failed to comply with any written notice issued under the provisions of this administrative regulation, the permit holder or operator shall be notified in writing that the permit shall be suspended at the end of ten (10) days following service of such notice, unless a written request for a hearing is filed with the cabinet, by the permit holder within such ten (10) day period.

(3) All administrative hearings shall be conducted in accordance with 902 KAR 1:400.

Section 21. Reinstatement of Suspended Permits. Any person whose permit has been suspended may, at any time, make application for a reinspection for the purpose of reinstatement of the permit. Within ten (10) days following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing suspension of the permit have been corrected, the cabinet shall make a reinspection. If the applicant is found to be in compliance with the requirements of this administrative regulation, the permit shall be reinstated.

Section 22. Revocation of Permits. For serious or repeated violations of any of the requirements of this administrative regulation or for interference with the agents of the cabinet in the performance of their duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the cabinet. Prior to such action, the cabinet shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of ten (10) days following service of such notice, unless a request for a hearing is filed with the cabinet, by the permit holder, within such ten (10) day period. (1 Ky.R. 641; eff. 4-9-75; Am. 16 Ky.R. 936; eff. 1-12-90; 22 Ky.R. 2355; eff. 8-1-96.)